

RICKEY N. BOLES, Civ. No. 04-1529-CO
Plaintiff, Order
v.
JEAN HILL, et al.,
Defendants.

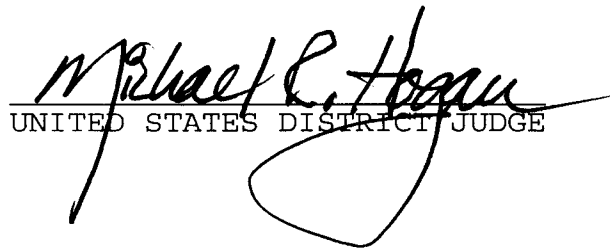
Magistrate Judge John P. Cooney filed Findings and Recommendation on June 13, 2005, in the above entitled case. The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Defendant timely filed objections. The court has, therefore, given de novo review of Judge Cooney's rulings. The court ADOPTS the Findings and Recommendation, except the finding that plaintiff's first claim is time-barred. This type of claim accrues when the plaintiff had reason to know of deliberate indifference to his medical needs by corrections employees. TwoRivers v. Lewis, 174 F.3d 987, 991-92 (9th Cir. 1998). Such a claim may or may not accrue on the date plaintiff sustained his injury and first requested medical attention, depending on what plaintiff and corrections officials knew, and when they knew it. Further factual development is required.

Defendant's motion for judgment on the pleadings [#14] is allowed as to plaintiff's second claim.

IT IS SO ORDERED

DATED this 8th day of August, 2005.


UNITED STATES DISTRICT JUDGE